

AMENDED IN SENATE APRIL 30, 1998

AMENDED IN SENATE APRIL 14, 1998

SENATE BILL

No. 2044

Introduced by Senator Rainey

February 20, 1998

An act to ~~amend Sections 7583.9 and 7583.11 of, and to add Section 7583.43 to,~~ the Business and Professions Code, relating to private patrol operators.

LEGISLATIVE COUNSEL'S DIGEST

SB 2044, as amended, Rainey. Private patrol operators.

Existing law, known as the Private Security Services Act, provides, among other things, for the licensure and regulation of private patrol operators by the Bureau of Security and Investigative Services, ~~and requires employees of those licensees who perform the function of a security guard or security patrolperson to apply for registration with, and submit 2 classifiable fingerprint cards to, the bureau within 3 working days after they are first compensated, as specified.~~ Existing law provides that an employee of a licensee may, subject to specified exceptions, be assigned to work with a temporary registration card, generally valid for no more than 120 days, until the bureau issues a registration card or denies the application for registration.

~~This bill would instead provide that the application for registration as a security guard or security patrolperson must be made within 3 working days after the person is initially hired to perform those services, and would allow the~~

~~applicant, as an alternative to submitting to the bureau 2
classifiable fingerprint cards, to instead submit evidence that
he or she has submitted fingerprints electronically into a
system administered by the Department of Justice. It would
require the Department of Justice, upon receiving electronic
fingerprints from an applicant, to determine whether the
applicant has been convicted of any crime and to forward that
information to the bureau.~~

~~This bill would also provide require a private patrol
operator to notify his or her clients in writing, whenever
assigning a security guard with a temporary registration card,
that the security guard has not completed a full criminal
history investigation. The bill would require that the
temporary registration card that temporary registration cards
shall generally be valid for no more than 60 days, rather than
120 days, and would require that those cards include certain
specified information regarding the private patrol operator
employer or training facility that issued the cards and have
printed on its face in bold letters, in a form determined by the
Director of the Bureau of Security and Investigative Services,
a disclosure statement that the holder of the card has not
completed a full criminal history investigation and that his or
her criminal history is unknown. This bill would make related
changes and would state legislative findings and declarations.~~

Existing law makes it a crime to violate any of the provisions
of the Private Security Services Act. By adding new
requirements within that act with respect to the registration
of security guards and security patrol persons, this bill would
expand the scope of an existing crime, thereby imposing a
state-mandated local program.

The California Constitution requires the state to reimburse
local agencies and school districts for certain costs mandated
by the state. Statutory provisions establish procedures for
making that reimbursement.

This bill would provide that no reimbursement is required
by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.



The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the
2 following:

3 (a) There have been several documented cases of
4 security guards who have committed serious crimes while
5 working with a temporary registration issued by
6 employers pending a criminal history investigation. Many
7 of these guards had failed to disclose criminal histories
8 that would preclude registration by the Bureau of
9 Security and Investigative Services within the
10 Department of Consumer Affairs.

11 (b) More than 2,500 security guards a year, who were
12 issued temporary registrations, have had their
13 registrations revoked because of a criminal history that
14 was unreported in the initial application.

15 (c) The current system which permits employers and
16 trainers of security guards to issue temporary registration
17 to security guards without a prior criminal background
18 check jeopardizes the health, welfare and safety of the
19 public, clients who contract for security guard services,
20 and coworkers.

21 (d) Under existing practices, clients who use security
22 guards may not be informed as to the existence of the
23 criminal history status of security guards possessing
24 temporary registrations.

25 (e) Existing technology and administrative processes
26 may not permit timely criminal history investigations for
27 applicants when private patrol operators and clients have
28 an urgent need for security.

29 (f) This act is intended to ensure that clients who
30 contract for security guards are aware that security
31 guards working with a temporary registration have not
32 been screened for criminal histories.

33 (g) This act is an interim step toward the eventual
34 elimination of temporary registrations at that time when
35 technological advances make timely criminal
36 background investigations possible before applicants
37 actually commence employment.

1 ~~SEC. 2. Section 7583.9 of the Business and Professions~~
2 ~~Code is amended to read:~~

3 ~~7583.9. (a) Within three working days after the~~
4 ~~commencement of employment, an employee who~~
5 ~~performs the function of a security guard or security~~
6 ~~patrolperson who is not currently registered with the~~
7 ~~bureau, shall submit to the bureau a completed~~
8 ~~application for registration on a form as prescribed by the~~
9 ~~director, two classifiable fingerprint cards or evidence~~
10 ~~that he or she has submitted fingerprints electronically~~
11 ~~into a system administered by the Department of Justice,~~
12 ~~and the appropriate registration fee. “Within three~~
13 ~~working days after employment” means within 72 hours~~
14 ~~from the time an employee is initially hired by a licensee~~
15 ~~for security guard or security patrolperson services. No~~
16 ~~applicant may report to a client for employment without~~
17 ~~first having completed an application and having~~
18 ~~submitted fingerprints to the appropriate authority. The~~
19 ~~licensee shall maintain supplies of applications and~~
20 ~~fingerprint cards which shall be provided by the bureau~~
21 ~~upon request.~~

22 ~~(b) Applicants who choose to submit their fingerprints~~
23 ~~into an electronic fingerprinting system administered by~~
24 ~~the Department of Justice shall have their fingerprints~~
25 ~~entered into the system through a terminal operated by~~
26 ~~a law enforcement agency or other facility authorized by~~
27 ~~the Department of Justice to conduct electronic~~
28 ~~fingerprinting. The enforcement agency responsible for~~
29 ~~operating the terminal may charge a fee sufficient to~~
30 ~~reimburse it for costs incurred in providing this service.~~

31 ~~(c) Upon receipt of an applicant’s electronic~~
32 ~~fingerprints, the Department of Justice shall determine~~
33 ~~whether the applicant has been convicted of any crime~~
34 ~~and shall forward that information to the bureau.~~

35 ~~SEC. 3. Section 7583.11 of the Business and~~
36 ~~Professions Code is amended to read:~~

37 ~~7583.11. (a) Except as provided in subdivision (b), an~~
38 ~~employee of a licensee may be assigned to work with a~~
39 ~~temporary registration card which indicates completion~~
40 ~~of the course in the exercise of the power to arrest until~~

~~the bureau issues a registration card or denies the application for registration. A temporary registration card shall in no event be valid for more than 60 days. However, the director may extend the expiration date beyond the 60 days at any time when there is an abnormal delay in processing applications for prospective security guards. For purposes of this section, the 60-day period shall commence on the date the applicant signs the application.~~

~~(b) An employee who has been convicted of a crime prior to applying for a position as a security guard shall not be issued a temporary registration card and shall not be assigned to work as a security guard until the bureau issues a permanent registration card. This subdivision shall apply only if the applicant for registration as a security guard has disclosed the conviction to the bureau on his or her application form, or if the fact of the conviction has come to the attention of the bureau through official court or other governmental documents. In no event shall the director, the department, the bureau, the chief, or the State of California be liable for any civil damages in the event of the issuance of a temporary registration where the applicant has falsified his or her application to conceal a prior criminal conviction.~~

~~(c) A temporary registration card issued pursuant to this section shall include the name, address, and license number of the private patrol operator employer or training facility that issued the temporary registration card.~~

~~SEC. 4.~~

~~SEC. 2. Section 7583.43 is added to the Business and Professions Code, to read:~~

~~7583.43. (a) A private patrol operator shall notify his or her client in writing whenever assigning a security guard possessing a temporary registration card, that the security guard has not completed a full criminal history investigation. The temporary registration card shall have printed on its face in bold letters a disclosure statement, in a form determined by the director, that the holder has~~

1 not completed a full criminal history investigation and
2 that his or her criminal history is unknown.

3 (b) This section does not apply to a security guard
4 possessing a valid permanent security guard registration
5 issued under this chapter.

6 ~~SEC. 5.~~

7 *SEC. 3.* No reimbursement is required by this act
8 pursuant to Section 6 of Article XIII B of the California
9 Constitution because the only costs that may be incurred
10 by a local agency or school district will be incurred
11 because this act creates a new crime or infraction,
12 eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section
14 17556 of the Government Code, or changes the definition
15 of a crime within the meaning of Section 6 of Article
16 XIII B of the California Constitution.

17 Notwithstanding Section 17580 of the Government
18 Code, unless otherwise specified, the provisions of this act
19 shall become operative on the same date that the act
20 takes effect pursuant to the California Constitution.

